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1st SESSION—16th CONGRESS.

IN SENATE.

TUESDAY, JAN. 25.

On motion of Mr. MACON, it was

Resolved, that the committee of finance be instructed to prepare and report a bill to remit the duties which may be payable on a statute of Gen. Washington, to be imported from Europe, executed by the Marquis Canova, for the state of North Carolina.

Mr. TRIMBLE communicated to the Senate certain resolutions of the Legislature of Ohio, in favor of the encouragement of domestic manufactures and of appropriations for roads and canals.

Some other subjects were partially acted on and postponed; and the remainder have been already noticed.

JANUARY 26.

Several reports were made on private claims, which were read, but not decided, and a number of petitions were received and referred.

A resolution, offered yesterday, by Mr. Walker, of Alabama, to instruct the committee on public lands to enquire into the expediency of establishing two additional land offices in the state of Alabama, was taken up and agreed to.

The resolution of Mr. Dickerson for amending the constitution were further postponed to-morrow, and

The Senate then resumed the consideration of the Missouri Question.

Mr. SMITH of S. C. addressed the Senate, at considerable length, in opposition to the Restriction, and in reply to its advocates; when he had concluded,

The Senate adjourned.

JANUARY 27.

On motion of Mr. JOHNSON of Ky. it was

Resolved, That the committee on military affairs be instructed to enquire into the expediency of passing a law for the liquidation of the accounts of Col. Wm Duane, and for allowing him compensation for his services and expenses in the publication of his military works under the direction and patronage of the War Department.

The Senate resumed the Maine and Missouri bill; and Mr. Ruggles, Mr. Trimble, Mr. Morrill, and Mr. Logan, successively spoke to the question before the house.

The further consideration of the subject was then postponed to to-morrow.

The resolution proposing an amendment to the constitution of the United States, as it respects the choice of electors of President and Vice President of the United States, and the election of the Representatives in the Congress of the United States, being read the third time—

A motion was made, by Mr. LLOYD, to amend the same by striking out the words, "That, for the purpose of choosing electors of President and Vice

President of the United States, the persons qualified to vote for Representatives in each district shall choose one elector. The two additional electors, to which each state is entitled, shall be appointed in such manner as the legislature thereof may direct," and inserting, in lieu thereof, the following:

"That, for the purpose of choosing electors of President, and Vice President, of the United States, each state shall, by its legislature, be divided into a number of electors of President and Vice President to which such state may be entitled. The districts shall be formed of contiguous territory, and the persons qualified to vote for Representatives in each district shall choose one elector"

The question on said motion was decided by yeas and nays as follows: yeas 12—nays 50. So the motion was negatived.

The question on the passage of the resolve was then taken and decided as follows:

YEAS—Messrs. Brown, Burrill, Dana, Dickerson, Eaton, Edwards, Horsey, Hunter, Johnson of Ky. Johnson of Lou. King of Alab. King of N. Y. Lannan, Logan, Macon, Meilen, Morrill, Otis, Palmer, Parrott, Pinkney, Sanford, Stokes, Thomas, Tiehenor, Trimble, Van Dyke, Williams of Mississippi, Williams of Tenn.—29.

NAYS—Messrs. Barbours, Elliot, Gaillard, Lenke, Lloyd, Lowrie, Pleasant, Roberts, Ruggles, Smith, Taylor, Walker of Ala. Walker of Geo.—13.

So the resolve passed by the requisite vote of two-thirds of the Senators present, and was sent to the House of Representatives for concurrence.

Adjourned.

JANUARY 28

Mr. EATON, from the committee to whom the subject had been referred, reported a bill for the relief of the officers and soldiers engaged in a late campaign against the Seminole Indians, which was read

The report of the committee of claims, unfavorable to the petition of John Nicholls, was taken up and agreed to.

The Senate resumed the consideration of the

MISSOURI QUESTION

Mr. VAN DYKE, of Delaware, spoke nearly two hours, against the proposed restriction; and then the further consideration of the subject was postponed to Monday

After reading the third time, and passing the bill to alter the times of holding the Western District Court of Virginia The Senate adjourned.

WEDNESDAY JAN. 31

Mr. SANFORD presented to the Senate certain Resolutions of the Legislature of New-York, declaring the right of Congress to require of new states, not comprised within the original boundaries of the United States, the prohibition of slavery as a condition of their admission in the Union; and instructing the Senators from New-York to oppose the admission of any such state without such a condition; which resolutions were read.

Mr. WALKER, of Georgia, laid on the table a resolution directing the judiciary committee to enquire into the expediency of increasing the salary of the district Judge for the district of Georgia

Mr. JOHNSON, of Louisiana, submitted the following resolution:

Resolved, That the President of the United States be requested to lay before the Senate such information as he may possess relative to the ex-

cution of so much of the first article of the late treaty of peace and amity between his Britannic Majesty and the United States as relates to the restitution of slaves, and which has not heretofore been communicated.

The concurrence of the Senate in the report of the committee of claims unfavorable to the petition of John Nichols, was, on motion of Mr. Leake, reconsidered, and the report was then, on motion of Mr. Eaton, re-committed to the committee of Claims.

The report of the committee of claims unfavorable to the petition of Cornelius Schoonmaker, was taken up and agreed to.

The Senate then resumed the consideration of the

MISSOURI QUESTION.

Mr. BARBOUR, of Virginia, rose and addressed the Senate more than three hours, against the proposed Restriction; but, before concluding his speech, intimated a desire to be allowed to defer the remainder of his remarks to to-morrow; and the subject was accordingly postponed.

The Senate then went into the consideration of Executive business.

TUESDAY, FEB. 1.

Mr. OTIS submitted the following resolutions for consideration:

Resolved, That the committee of Finance be instructed to enquire into the expediency of reviving, for — years, the law making foreign gold coins a tender.

Resolved, That the committee on Finance be instructed to enquire into the expediency of providing by law for the payment of the Mississippi Stock by the issue of Treasury Notes, bearing interest at — per cent. per annum, and redeemable at the pleasure of Government, to such of the proprietors thereof as may elect to receive payment in this way.

The resolutions offered yesterday by Mr Walker, of Geo. and Mr. Johnson, of Lou. respectively, were severally considered and agreed to.

The Senate then resumed the consideration of the

MISSOURI QUESTION.

Mr. BARBOUR, of Va. concluded the speech which he commenced yesterday, against the Restriction.

Mr. ROBERTS, of Penn. followed, in support of the Restriction, and in reply to the gentleman who had opposed it.

Mr. JOHNSON, of Kentucky, succeeded, and closed the debate, in a speech of some length against the Restriction.

No other gentleman rising to speak, the question was then taken on the Restrictive amendment offered by Mr Roberts, which is in the following words: "Provided also, that the further introduction into the said state of persons to be held in slavery or involuntary servitude within the same shall be absolutely and irrevocably prohibited;" and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Bupfitt, Dana, Dickerson, King, of N. York, Lowrie, Mellen, Morrill, Noble, Otis, Roberts, Ruggles, Sanford, Taylor, Tichenor, Trimble, Wilson—16

NAYS—Messrs. Barbour, Brown, Eaton Edwards, Elliot, Gaillard, Hunter, Johnson, of Ky. Johnson, of Lou. King, of Alb. Lanman, Leake, Lloyd, Long, Macon, Palmer, Parrott, Pinkney, Pleasants, Smith, Stokes, Thomas, Van Dyke, Walker, of

Alab. Walker, of Geo. Williams, of Miss. Williams, of Tenn—27.

So the amendment was rejected.—Adjourned.

MAINE AND MISSOURI.

ABSTRACT of a debate in the Senate, on the admission of Maine and Missouri, from 13th of January to the 16.

THURSDAY, JAN. 13.

The Senate having taken up the bill from the House of Representatives, for the admission of the State of Maine into the Union, on an equal footing with the original states, together with the amendment reported thereto, by the Judiciary committee, which amendment embraces provisions for authorizing the People of the Territory of Missouri to form a Convention, &c. preparatory to their admission into the Union—

Mr. ROBERTS of Pennsylvania, said he felt it to be his duty to try the merits of the question respecting the union of these two subjects, by a preliminary motion.

"That the bill for the admission of the State of Maine into the Union, and the amendment thereto reported, be committed to the Judiciary committee, with instructions so to modify its provisions as to admit the State of Maine into the Union" (divested of the amendment embracing Missouri.)

Mr. ROBERTS said that the question involved in the amendment reported by the Judiciary committee, would probably excite much feeling. For himself, however, he was determined to prepare to meet it with the temper and moderation which were due to it. But he wished, in entering upon it, there should be the most perfect regularity, and the most full opportunity for discussion. The question of the admission of Maine into the Union, was one question; that of the admission of Missouri was another; and that of uniting the two in one bill, was a distinct question, for the purpose of obtaining an unembarrassed decision which he had submitted the present motion. Mr. R. adverted to the progress, in the Senate, of the proposition for the admission of Maine into the Union. Very early in the session, he said, a communication had been received from a regular source, that a Convention of the People of Maine, duly authorized thereto by an act of the Legislature of Massachusetts, had met and formed a constitution of State Government. A bill had been duly reported, by a committee, for the admission of the State of Maine into the Union and made the Order of the Day for a particular day. On that day, and on successive following days, it was postponed, for various reasons, on account of the absence of Members from different sections of the Union. At that time, Mr. R. said, he had no idea that there was an intention to connect the two subjects of Maine and Missouri; until a member from Virginia, in moving a further postponement of the bill, stated that he had some notion of endeavoring to connect the two questions. This proceeding struck him, on comparing it with the usual orders of proceedings in this House, as a little curious, to say the least of it—though he did not mention it as a matter for censure, but as a mere statement of facts. On the 29th of December, said he, we find a Memorial from the Legislature of Missouri is taken from the files of the House, and referred to the Judiciary committee. Some days afterwards, a message is received from the House of Representatives, transmitting a bill for the admission of Maine into the Union, which is referred

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to the Judiciary committee, and the two subjects being thus before the same committee, they reported the bill for the admission of Missouri; by way of a rider to the bill for the admission of Missouri, by way of a rider to the bill which came from the other House for the admission of Maine. This, Mr. Roberts said, was an extraordinary mode of proceeding, which ought to be met at the threshold; and he knew not how it could be more directly met than by the motion which he had submitted. The motion to recommit, he said, was a regular motion, but was not to be made, he admitted but in extraordinary cases. This was a case of that description. He appealed to gentlemen whether it was regular or even justifiable to connect in one bill two subjects totally distinct, as these in reality are? Maine, he said, was a part of the old territory of the United States; her constitution was already formed, with the consent of the state from which she was to be separated: there was no dispute about her limits, which were defined, nor about the justice of her claim to admission; which was admitted. There were many doubts about Missouri, with respect to her extent, boundaries, and population, without regard to other questions which might arise respecting her constitution, &c. The cases of Kentucky and Vermont had been cited as a precedent for this proceeding; but, Mr. R. said, they were admitted by separate bills, passed at different periods of the same session. Mr. R. said, for his part, he had no objection that the two bills for the admission of Maine and Missouri should pass on the same day; but they ought to pass separately and independently of each other. Standing, as they did, on different grounds, they ought to be decided on their own merits.

Mr. SMITH, of S. Carolina, said, as chairman of the committee which reported the amendment, according to the ordinary usage when opposition arose; it became his duty to explain the reasons which operated with them in making that report, although the motion before the Senate did not present any distinct objection to it, but only sought to modify it. If the object of the resolution was to make the admission of Maine a part of the bill, the motion was nugatory, because Maine was already in the bill, as it came from the House of Representatives; and to recommit the bill for the purpose of introducing what was already there, could answer no sensible purpose. If the object was to exclude Missouri, for want of formality, or simplicity in the bill, the resolution ought to be rejected. There could be no good reason why they should be separated. The subject matter was perfectly congenial; and it was a correct rule in legislation to incorporate in the same statute all subjects that were homogeneous; and this principle accorded with the uniform practice of the Senate. But, if it had for its object the admission of Maine, and the total exclusion of Missouri from the privilege of a place in the union, upon an equal footing with the original states, it became more objectionable.

If any difference did exist between the two cases now before you, the preference was in favor of Missouri. The consent of Congress must first be had before Maine can be admitted; Congress was bound to admit Missouri, whenever she presented herself with such a population as you have been accustomed to recognize as sufficient in other cases, which Missouri now tenders, and claims her right of admission. This claim to the right of admission, on the part of Missouri, is founded on the third article

of the treaty of cession under which the U. States acquired the territory of Louisiana in full dominion. That article of the treaty is so explicit and definite, it cannot be questioned. It says, "The inhabitants of the ceded territory shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." The terms here prescribed are imperative. Here is no condition annexed; but they shall be admitted into the Union.— This treaty has become a part of the supreme law of the land. It is made so by the constitution itself; and is as obligatory as the constitution can be. The right of Missouri to admission into the union on an equal footing with the original states, if not paramount to that of Maine, is in all respects equal. Maine is now fully represented in both branches of the national legislature. As a part of Massachusetts she has the full benefit of all the talents of two gentlemen in the Senate, of distinguished abilities; in the House of Representatives she has all the benefit flowing from the talents of twenty distinguished gentlemen.— The voice of Missouri is not heard in the Senate; she is dependent on strangers to present her grievances and demand her rights, whilst in the House of Representatives she is permitted, as a special favor, to send a delegate with the poor privilege of uttering their complaints, without the smallest share of power to redress them; and this is given, not of right, but as a boon. At home, Maine is in the full possession of all the attributes of self-government: Missouri is in a state of vassalage, with only the permissive government of a colony. With the high claim, on her side, to the same sovereignty with the original states, to form a constitution, as Maine has done, for her own self government, guaranteeing to her citizens all the rights, advantages, and immunities of citizens of the United States, your committee, who reported the amendment, could not perceive any parliamentary practice which opposed the union of these two applicants in the same bill.

Mr. Mellen, of Massachusetts, said, as he had presented the memorial of the convention, praying for the admission of Maine into the Union; and, as he was an inhabitant of that section of Massachusetts, it was natural to suppose that he felt an interest in the success of the bill under consideration, I am opposed to the amendment reported by the committee. I am opposed to it for several reasons. It will be recollected that the bill on the table has passed the House of Representatives in the simplest form: merely declaring the consent of Congress to the admission of Maine into the Union, on an equal footing with the other states: the bill, so passed, has been sent to the Senate for concurrence. In the usual course it was referred to the committee on the Judiciary, and they have reported it, with an amendment, consisting of a long bill for authorizing Missouri to form a constitution as a preliminary step towards her admission into the Union at a future day. I confess, Mr. President, I did not anticipate this course: I had no authority to expect it: for though I am young in legislation, I am informed by those who are experienced, that such an amendment is a perfect novelty, to say the

least of it. I have always found, sir, that the most correct course for a man of business to pursue is to adopt the very simple rule of doing one thing at a time, and doing it fairly and faithfully: that the proper mode of deciding causes in a court of justice, or questions in a legislative body, is to examine them distinctly, and decide each cause and each question upon its own merits: and, in order to ascertain those merits, apply principles and proof, without confusion or embarrassment. I am desirous, sir, that, on the present occasion, this plain old-fashioned mode of proceeding may be adopted and pursued. It would be considered as a singular departure from the ordinary rules of managing the concerns of a court, to try two causes between different parties, at the same moment and by the same jury; and for the judge to instruct this jury that they must, at all events, return their verdict in both causes for the plaintiffs, or both for the defendants—without any regard to the discriminating merits of the causes: and it would certainly appear more strange still, if, in one of the causes there were no doubt or question about its justice: and yet that it must be sacrificed in company with the other, because the jury could not agree in a verdict as to this other. The case I have now stated shows the impropriety of this junction of the two bills: This is not consonant to the usage in similar cases. I refer to Kentucky and Vermont—they were both admitted into the Union at the same session—with an interval of only a few days: and yet separate acts of Congress were passed for the purpose.

I wish, Mr. President, the committee could have stated to the Senate any good reason why they should be thus united. This union has been pleasantly called (though with some confusion of sexes) a marriage between Maine and Missouri; but they appear in awkward circumstances. I admit the marriage is not unlawful, by reason of consanguinity; on the contrary, the parties never saw each other until a week ago; and now, at the very hour, one of them is protesting against the connection.

Mr. President, we all understand this course of proceeding; and though on this motion to recommend the bill for the purpose of relieving it from the amendment; we are not admitted to discuss the great question which we are all anticipating, in relation to Missouri, yet it is impossible not to perceive the object in view in this joinder of the bill; and to perceive that a long and laborious investigation of the Missouri question will take place, upon which a final decision may not be had till near the close of the session. In this view of the subject, peculiar difficulties and embarrassments present themselves, both as to Massachusetts and Maine. The Senate will recollect, that, by the terms of the act of separation, passed by the Legislature of Massachusetts in June last, the consent of that Commonwealth was given, on the condition that Maine should be admitted into the Union before the 4th of March next. This arrangement was necessary, because the annual election of state officers is to be made on the first Monday of April. That Legislature is now in session, in a state of utter uncertainty as to the course they are to pursue. Numerous alterations are to be made, limited to the change of circumstances proposed by the separation of Maine: the Commonwealth is to be distracted anew, for the choice of Congressmen and Senators; the circuits of their Supreme Court to be arranged according to the new order of things; and, yet, embarrassment here

produces it there: all is suspense and uncertainty.

If the proposed measures with respect to this bill are to be sanctioned, the hopes of the good people of Maine will be disappointed, and their prospects all overcast. They have advanced to the very confines of the "promised land," and are just preparing to enter and possess it; but they will be compelled to turn aside and leave it, dissatisfied and disheartened. In using this language, sir, I sincerely believe I do more than express the sentiments and feelings of a vast majority of that people; and, entrusted, as I am, with their memorial to Congress, it is my duty to represent them truly, and state those feelings and sentiments to the Senate.

The proposed amendment presents to the advocates of the Maine bill this plain proposition: If you will do what you believe to be wrong, we will do what all admit to be right, and we cannot consent to do it, in this particular case, on any other terms. The answer to such a proposition is obvious. I respectfully appeal to the candor of honorable gentlemen, whether any question ought to be associated and embarrassed in this manner; whether it is calculated to increase the independence of legislation, or render the avenues to truth more direct and plain. Maine, in her application to Congress, stands in no need of aid from Missouri. It is Missouri that leans on Maine for support. It would seem from this, that she needs support. Whenever the Missouri question shall come regularly under discussion, my sentiments shall be expressed; till then, I am silent in relation to it. But should I, for any reason, be opposed to the admission of Missouri, or be unwilling to authorize her to make a constitution of the unrestricted kind presented to us in this amendment, this circumstance furnishes also a strong objection, in my mind, to the union of the two subjects. I hope, sir, the motion to recommit the bill, with instructions to restore it to its original form, will prevail.

Mr. LLOYD, of Maryland, expressed his hope that the motion which had been made by the gentleman from Pennsylvania would not prevail. He had not been sufficiently long a member of this body to know precisely the usual mode of proceeding in cases of this kind; but he should have thought the more direct course would have been to have moved to strike out the amendment, instead of moving a recommitment. This, however, was matter of form: he objected to the motion on principle. It had been said the two subjects were different in their nature. This, Mr. L. did not admit. What, asked he, is the question presented by the bill and the proposed amendment? It is this:—Shall Maine and Missouri be admitted into the Union on an equal footing with the original states? Could there be asked, he a plainer question—could there be two subjects more intimately connected, or in principle more nearly allied, than the two embraced in this question? We may imagine, said he, as many distinctions between the two cases as we please; but, if we confine ourselves to the power granted to us by the constitution, we have but one course to pursue—which is, to admit both the states, on the same terms into the Union.

I should consider myself, said he, wanting in my duty as a representative of that section of the country, if I were thus to consent to weaken its power. Unless we can obtain the admission of Missouri into the Union, on the same terms and as

free and unshackled as Maine, I am decidedly of opinion we ought to admit neither.

Mr. BERNILL, of Rhode Island, apprehended the committee had fallen into an error in reporting it; at least it was without precedent for a committee to report on any subject referred to them by way of amendment to a bill from the House of Representatives, embracing a totally different object.

The question, embraced by the bill, was about the division of a state, which Congress was to decide as it should deem most wisely in regard to the general interests of the Union; whilst the question involved in the amendment regarded the erection of a new state in a territory, which Congress were under an obligation, arising not only from the colonial condition of the territory, but by the force of a treaty with a foreign power, as had been contended and as he admitted in a certain sense, to establish—There was no connection between questions so distinct in their nature, and they ought not to be united in the same bill.

Mr. MACOM, of N. C. next followed—with regard to the question immediately before the Senate, he hardly expected that the gentleman from Pennsylvania would have forbidden the banns of this marriage: he thought the opposition to it would have come from some one more interested, more nearly allied to the parties. Allusion had been made to the case of Vermont and Kentucky. And why, he asked, were there given, in the same bill, to Vermont two Representatives, and to Kentucky two? Their population was not known; but their representation was made equal in order to keep up the proportion which the National Convention had given to two sections of the Union.

The proposition now before the Senate was, to recommit—for what? Why, for what the Senate could do as well as a committee. Judging from the arguments, it appeared to him that one side was better prepared than the other for the discussion. If the Senate was ready for the discussion, it mattered little what the precise form of the question was. There was no impropriety, he conceived, in the proposed connection of the two subjects of Maine and Missouri; nor did it appear to him of any importance what the shape of the question was, if it was substantially before the Senate.

Mr. MORRILL, of N. Hampshire, said it was not his intention to enter into a discussion of the merits of these two subjects, at this time; he thought it was improper. I am, said he, in favor of the motion, because I am unwilling to consider the subjects and act upon them, in this unnatural connection. Sir, I am willing Maine should be admitted; and I am equally willing Missouri should be admitted, on such principles as shall harmonize with the national tranquility and interest; and I am perfectly willing to meet both subjects distinctly, when they shall be so presented to the consideration of the Senate, and in no other way. Let each stand upon its own merits.

Mr. BARBOUR, of Va. said, the particular agency which he had heretofore had in this subject made it proper that he should endeavor to shew the impropriety of agreeing to the proposed resolution, and at the same time, vindicate the course pursued by the committee in recommending the amendment providing for the admission of Missouri into the Union. To a distinct understanding of the subject, said he, it is necessary we should advert to the history of its progress. [Here Mr. B. gave a succinct view of the proceedings had thereon.] The question before the Senate is, shall they be joined as pro-

posed by the committee! If you disapprove of the junction, reject it; but do not refer it to the committee: they have performed their duty—do you perform yours. But is it true, that there is any difference in the two subjects, so as to make it indispensable to separate them? As to any thing yet before the Senate, there is no essential difference; and therefore nothing to require their separation. Let us enquire first, in what they agree: Maine, it is readily admitted, has just claims to an admission into the Union; and I shall be greatly misunderstood, if I am suspected of any hostility to such admission. Her claims rest on the extent of her territory, the number of her people, the great length of her maritime coast, her frontier situation, and the necessity of the residence of her government within her borders, by which, whenever the occasion occurs, the resources of the state may be called out immediately for her defence and protection. What are Missouri's claims? An equal extent of country, the number of her people, her frontier situation, a right guaranteed by the treaty by which we acquired the country, but, above all, the invaluable privilege of self government, of which she is now deprived; a privilege dear to every American; the deprivation of which is the last injury which can be inflicted upon them. In what do they differ? It is said Maine is ready to come into the Government, having formed her Constitution. Independently of the consideration that this state of things would make it necessary only to adopt the different sections of the bill to the peculiar circumstances of the two cases, I must be permitted to state, that Maine has no claim on us for the precipitancy with which she has acted. The correct course would have been, to have obtained the consent of Congress before she had proceeded as far as she has. For I presume no one will pretend that there is any constitutional obligation on Congress to admit Maine at all into the Union—for the very obvious reason, that she now as a part of Massachusetts, enjoys all the inestimable blessings of self government.

If the design of imposing restrictions on the people of Missouri, did not exist, or, existing, we were ready to agree to it, would they have any difficulty in agreeing to the union of these states in the same bill? I answer for them; they would not: the bill would have passed, notwithstanding this union without criticism, or question, in our view, is as though this difficulty did not exist; for that which does not exist, and that which ought not to exist, is, as to its effects, precisely the same. Now, we say you have no right to impose these restrictions, and having no right, you shall claim no advantage by the attempt. This would be to suffer you to profit by your own wrong; and, if I am correct in saying you would have no objection to the proposed consolidation, were it not for this attempt to control the people of Missouri in the exercise of the great privilege of making their own government, and also that you have no right so to control them, we, who assume both these as unquestionable truths, can see no serious difficulty to the proposed union.

I forbear to investigate them at this time, because I have been told by the chair, and properly told, that upon this question such an investigation, would, as the lawyers say, be travelling out of the record. In the proper stage of the question I will, as far as my feeble capacity will enable me, endeavor to sustain them, to the satisfaction of every unprejudiced mind.

Mr. President, the question essentially involved in the measure under consideration, is one, in its

Consequences, of the highest import to the tranquility and happiness of the Union. Let me appeal to the other side, (and I design to be as solemn as the occasion requires,) and ask what is to be done? We are pledged by the most solemn sanctions of our religion, to reject the meditated restriction on Missouri: the constitution, which we have sworn to support, forbids it. You say that you will not recede, because expediency dictates it. Is, then, that vast region beyond the Mississippi, with its countless inhabitants forever to be subjected to a colonial government? If it were practicable, does it become the Senate of the U. States to will it? But suffer not yourselves to be deceived. The same spirit which animated the heroes and patriots of the revolution, warns the bosoms of those hardy sons of the West; and when you, by your resolves, arrest the mighty flood of the Mississippi, then, and not till then, will you be able to repress this unconquerable spirit. I will not lift the curtain to look into futurity, still less to delineate what I fear may be the awful consequences. I am not easily alarmed, nor am I disposed to be an alarmist; but this I will say, that I fear this subject will be an ignited spark, which, communicated to an immense mass of combustion, will produce an explosion that will shake this union to its centre. There is one consideration connected with the present question and its attendant circumstances, that swells beyond even it, important as it is, and embraces the foundations of our political fabric. The crisis has arrived, contemplated by the framers of the constitution, and to guard against whose effects was the principal object of the creation of the Senate. To us does the constitution look, in the moment of popular excitement, whether the result of accident or design; to us belongs the high attribute of prescribing limits to its excess. The framers of the constitution, independently of their general knowledge, were deeply read in the character of man: they had seen him in every phase of which he was susceptible, in peace and war. They, therefore, knew that power and distinction were idols but too devoutly worshipped in every heart; that there were too many who valued them even beyond their consciences, and whose sacrifice was therefore considered small, compared to their enjoyment. Nothing is more easy than to sail gently down the current, with all your sails swelled with popular breezes. It is that breeze which becomes your chart and compass. You fear no shoal or breaker but popular displeasure. But these great men, in tracing liberty and its effects from the master states of antiquity to the present time, had seen, whenever it had appeared that it had been attended with fiction and violence—conforming in this to the law of all existing things, that whatever is great is irregular. To create some check in the constitution that might stay its fury, was the result of profound wisdom. To fulfil this great purpose, a duration in office has been assigned us, sufficient to fill the measure of legitimate ambition, if true to our trust, we stand as an isthmus between the troubled wave of popular discontent, lashed into a storm by local prejudices or designing demagogues, and the constitution. If, instead of resisting, we yield to the current, we swell the dreadful tide, which, passing its limits, floods the land, and whelms every thing in ruin. The time has arrived which brings to the test the theory of the constitution.—This portentous subject, twelve months ago, was a little speck scarcely visible above the horizon; it has already overcast the heavens, obscuring every

other object; materials are every where accumulating, with which to render it darker. I cannot repress an expression of my fears as to its catastrophe, unless it be dissipated by the wisdom and the firmness of the Senate. To stand firm when deserted by the people; to prefer our duty to our honors, requires a moral energy not often to be found. To disfranchise ourselves when not called for by the magnitude of the subject, is wanton suicide. But fearlessly to commit ourselves to the breach, when the peace and tranquility of our country demand it, entitles those who perform so illustrious a service, to the gratitude of their country. I think I see around me some who are ready to make the sacrifice. To them, if my feeble voice can affect it, shall be erected an everlasting monument of imperishable fame. I do not ask of others what I am not ready to perform; and if ever the day shall come when the welfare of my country demands this sacrifice of me, and I shall be wanting in my duty, I pray God it may be my last.

Mr. OTIS, of Mass. observed that the question now before the Senate was in substance a question of order; and it was with a view to disencumber it of other questions of a more grand and interesting character, that he should vote in favor of the recommitment. He should, on the whole, have preferred taking the question upon the adoption of the amendment; but as upon that the entire merits of the Missouri pretensions would have been open to a debate, at the option of hon. gentlemen, which it was desirable to avoid, he was reconciled to the present course. He begged leave, however, to deny, that a vote in favor of this motion was equivalent to one for rejecting Missouri. He had once voted for the admission of Missouri, and expected, after a fair opportunity for examination into the details of a bill for that purpose, if it could be made to accord with his views, to vote for it again. It was not he agreed, very easy to compass, with the chains of a definition, the principles that should regulate the embracing of several objects in one bill; but there was in every man's bosom a perception of the fitness and congruity of objects which furnished an almost unerring standard. If the subject matter of two provisions was entirely dissimilar, and unconnected; if the law could neither operate simultaneously, nor with equal effect, upon different subjects; if the conclusions to be drawn resulted different premises, and depended on arguments which could not stand in any possible relation to each other, it might be assumed, for a general principle, that they ought not to be united. If a bill were sent from the House of Representatives, for raising revenue, it would be most improper and unusual, to hook upon it a bankrupt act, or any other heterogeneous amendment. In England, it had been fashionable, formerly, to attempt to starve majesty into a compliant humour, by the appendage of riders to the supply bills; but he protested against the introduction of so objectionable a precedent in the Senate of the United States, in their intercourse with the House. In reply to the appeal of the honorable member from Virginia, who emphatically demanded whether the proposed junction of these two subjects would be re-isted, but for the objections held in reserve to the admission of Missouri, he declared, with the most perfect sincerity, that he was not influenced by any such anticipation; but simply by a sense of the absolute discordance of the two provisions, and a regard to what he believed the dignity of the Senate demanded. No two things could have less resemblance. The one

is comprised in three lines:—You have only to say to Maine, let her be a state, (to which all are agreed,) and she is a state. But, for Missouri, you must proceed cautiously through various sections, and important details. In one case you have only to say a thing is done; in the other you settle preliminaries; and give permission for a different thing to be done heretofore.

Great credit was certainly due to the gentlemen for the absence of all disguise in their support of this connexion, on the ground of policy, and they were doubtless well satisfied of the correctness of aims so freely disclosed—but, he nevertheless was persuaded, that the policy was most unfortunate and unsound. What is it, when reduced to terms of abstraction? It amounts to this: that no state shall hereafter be admitted from a population entirely white, unless another has ingress at the same time with a mixed population, to counterbalance its influence. Let us enquire for a moment into the equitable effect of this policy, as well as into its expediency. Since the adoption of the constitution four states, from which slavery is excluded, namely, Vermont, Ohio, Indiana, and Illinois; and five states in which it is permitted, for instance, Kentucky, Tennessee, Louisiana, Mississippi, and Alabama, have become members of the union. This gives a majority of one state in which involuntary servitude is tolerated. After Maine shall be incorporated, the prospect of another state, with an entirely white population, will be at an end—certainly for very many years. No symptoms of a contemplated division of a state have appeared in any quarter north.

What will be the sentiments and feelings of the people of Maine at this disclosure? What their enagement and dismay in hearing of this new and inconceivable policy! When, after organizing a constitution at your bidding (for the act of last session regulating the coasting trade was nothing less than an express invitation to them to set up for themselves,) when after all the trouble, expense, expectation and arrangements made in view to that event, they are given to understand that they must be debarred from their promised privilege, until another State is ready for admission to counterbalance their influence.

Mr. LOUIS, of Kentucky, explained the views which had influenced him, as one of the select committee, to report the amendment. It was to come at a clear and distinct view of the merits of the questions embraced by the bill and amendment; to shew, by placing them side by side, that the same rule must be applied to both; that no greater right existed to impose onerous conditions on the one than on the other of these territories. It, said he, gentlemen, will come across my boundary to affect my property, I wish to look over on the other side, and see how they stand. He was opposed to the recommitment.

Mr. ROBERTS said, he thought it important to bring back the attention of the Senate to the question actually before it. He disclaimed any intention, by his motion, to censure any member for the course he had taken; but, in order to come to a separate decision on the two subjects, he was desirous of disconnecting them—and his motion was the regular one for that purpose. He was willing to consider both the bills on the same day, but he did not wish them to be connected.

Mr. DANA, of Connecticut, concluded the Debate by some remarks on a point which had not been adverted to by others, or, he said, he would not have

spoken. He objected to the course proposed by the report of the select committee, and was in favor of recommitment.—Nine states, he said, had already been admitted into the Union since the adoption of the constitution; and in no case had there been a connexion of two in one bill; and this for a very good reason. An act for the admission of a state into the Union, (said Mr. D.) is entirely distinct from all other objects of legislation. It is a question whether we will admit a new associate in the empire. It is an individual case in its very nature. It is not a case for which we can provide by a general law.

The two objects of Maine and Missouri ought to be distinctly considered and decided; and, with a view to effect that object, he was in favor of recommitment.

The question was then taken on the motion for recommitment, and decided, by Yeas and Nays, in the negative, by 25 votes to 18, as already stated.

HOUSE OF REPRESENTATIVES,

TUESDAY, JAN. 25

Mr. KEAR, from the committee on the District of Columbia, made an unfavorable report on the petition of John Adlam, which was read and concurred in.

On motion of Mr. MARSH, a resolution was adopted directing the Secretary of the Treasury to lay before the House a copy of the act of Louisiana which accompanied the letter of the collector of New Orleans to the Secretary, dated April 17, 1813.

On motion of Mr. COAN, the resolution laid on the table by him yesterday, proposing an amendment to the constitution of the United States, was taken up and read, and committed to a committee of the whole House.

On motion of Mr. ALLEN, of Vt it was

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of providing by law for securing to the several pensioners of the United States the benefit of their pensions, by exempting any moneys which may be paid on account, from foreign attachment, set off, or other laws in the respective states, by which such moneys may be intercepted before the actual receipt of them by such pensioners.

Mr. PIERCE offered the following resolution for adoption:

Resolved, That the committee on the post office and post roads be instructed to enquire into the expediency of providing by law, that monies received for postage shall be paid directly into the Treasury of the U. States, and that the post master-general of the United States shall annually report to Congress a list of all contracts which he may have made within the preceding year, for the transportation of the mails, and specify, in such report, the name and residence of each contractor, the amount to be paid him, and distance embraced in each contract.

After some little discussion, and once refusing to lay the resolution on the table, it took that course and lies on the table.

MISSOURI STATE BILL.

The House then, on the motion of Mr. SCOTT, resolved itself to a committee of the whole, Mr. BELLEW in the chair, on the bill authorizing the people of Missouri territory to form a constitution and state government, &c. &c.

The committee rose without deciding on any question, obtained leave to sit again, and

The House adjourned.

WEDNESDAY, JAN 26

Mr. WILLIAMS, of N. C. made unfavorable reports on the petitions of Samuel Demarest and Abraham Forbes; the former of which was concurred in, and the latter ordered to lie on the table.

On motion of Mr. Woodbridge, it was

Resolved, That a committee be appointed to enquire whether any, and if any, what further provision may be necessary to give effect to the provisions of the treaty of Brownstown, in the territory of Michigan.

Mr. BUTLER, of N. H. submitted a proposition to alter the time of meeting in the morning to 11 o'clock; which after a few observations from several gentlemen, was ordered to lie on the table.

The House then again went into committee of the whole, Mr. Baldwin in the chair, on the

MISSOURI BILL.

The proposition under consideration was an amendment, offered yesterday, to the 2d section of the bill, by Mr. Storrs, substantially to alter the limits of the proposed state, so as to make the Missouri river the northern boundary thereof.

Mr. STORRS rose and withdrew the amendment which he had offered yesterday, and in lieu thereof submitted the following:

And provided further, and it is hereby enacted, That, forever hereafter, neither slavery nor involuntary servitude (except in the punishment of crimes, whereof the party shall have been duly convicted,) shall exist in the territory of the United States, lying north of the 38th degree of north latitude, and west of the river Mississippi, and the boundaries of the state of Missouri, as established by this act. Provided, that any person escaping in to the said territory, from whom labor or service is lawfully claimed in any of the states, such fugitive may be lawfully reclaimed, and conveyed according to the laws of the United States in such case provided, to the person claiming his or her labor or service as aforesaid.

Messrs. Randolph, Lowndes, Mercer, Brush, Smith of Md. Storrs, and Clay, successively followed each other in debate.

The question being taken on the motion of Mr. STORRS, was decided in the negative.

The reading of the bill proceeded as far as the fourth section; when

Mr. TAYLOR, of N. York, proposed to amend the bill by incorporating in that section the following provision:

Sec 4, line 25, insert the following after the word "states:" "And shall ordain and establish, that there shall be neither slavery nor involuntary servitude in the said states, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided always*, that any person escaping into the same, from whom labor or service is lawfully claimed in any other state, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid; *And, provided, also*, That the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said territory.

The main question of the restriction on slavery in the future state of Missouri, being thus fully before the House, and the usual hour of adjournment having arrived—

The committee rose, reported progress, and obtained leave to sit again; and the House adjourned.

JANUARY 27.

SPANISH TREATY.

Mr. FLOYD, of Va. submitted for consideration the following resolution:

"Resolved, That the President of the United States be requested to cause to be communicated to this House, if in his opinion consistent with the public good, whatsoever information he may possess, relative to the extent of territory which the instructions of the Minister Plenipotentiary of His Catholic Majesty authorized him to cede to the United States in his negotiation with the Secretary of State, which resulted in the treaty of 22d February last; and likewise at what period he obtained that information."

Mr. F. said, that he had been induced to submit this resolution to obtain the information required, as important, upon a subject of great consequence to the nation at this time. It was predicated upon an expression in the letter of the Secretary of State to our Minister, bearing date the 18th of August, 1819, wherein he says—"It is too well known, and the Spanish government dare not deny it, that Mr. Onís's last instructions authorised him to cede to the United States much more territory than he did." Now, sir, as the treaty has not been confirmed by Spain, and we are called upon to enforce the friendly stipulations of that treaty, it is peculiarly proper to have all the information which was possessed at the time of the negotiation.

In reply to an objection which was subsequently made to the resolve, that a call for that kind of information might have injurious consequences, Mr. F. said, certainly no injury can result, as the resolution does not require any thing to be communicated which it would be improper to divulge—but, if that information were improper to be made public; cannot the representatives of the people of the United States be intrusted with that transaction? For his part, he had consulted none, and thought the information necessary. Surely it could not be improper to communicate to this house, Mr. F. said, that which the Secretary of State had said the Spanish government "dare not deny."

This motion gave rise to a Debate, in the course of which the adoption of it was opposed by Mr. Lowndes, Mr. Sergeant, Mr. Holmes, Mr. Taylor, Mr. Ithia, and Mr. Hill, on the ground, generally, that the President had communicated to Congress, at the commencement of the session, on the subject of Spanish affairs, all the information which he deemed important to the public interest.

The proposition was supported by the mover, and by Mr. Johnson, of Va. and Mr. Randolph, for this reason, that the President had, by his communication to both Houses of Congress, at the commencement of the session, earnestly recommended the subject of the state of our affairs with Spain, to the attention of Congress, and expressly submitted to them whether or not the provisions of the Treaty should be carried into effect independently of the consent of Spain.

On suggestion of Mr. SERGEANT, the resolve was so amended, by consent of the mover, as to request the President, instructing the Secretary of State, (as at first offered,) if in his opinion it should be expedient, to cause the required information to be laid before the House—the objection being to leaving a compliance with an order from the house discretionary with any officer of the government subordinate to the highest in authority. The question being taken on agreeing to the resolution thus amended, it was decided in the negative. Ayes 67; Noes 88.

THE MISSOURI QUESTION

The order of the Day on the Missouri Bill being announced—

Mr. Foor, of Connecticut, moved the postponement of the order of the Day to this day week. His object was in the mean time to consider, in the hope of its adoption, a proposition for the prohibition of the further introduction of Slavery west of the Mississippi. Should such a measure be adopted, the territories in that quarter would be placed on the same footing as the ordinance of 1787 had placed the North Western Territory. The question now agitated in Congress might then perhaps be left to the good sense of the People of the states to be formed out of that territory; and should any question present itself on the subject of the admission of slavery into any such state it might be left for the proper tribunal, the Supreme Court to determine it.

The proposed postponement was opposed by Mr. Edwards and Mr. Lowndes, on the ground that it would only serve to procrastinate the interchange of opinions on the question now fairly before the house, which, whatever else was done, certainly take place, and could not be prevented. Mr. Edwards was opposed to any prohibition, whatever, of the nature proposed, or in the way of compromise.

The motion to postpone was negatived; and the House again resolved itself into a committee of the whole. Mr. Baldwin in the chair, on the bill for authorizing the People of Missouri to form a Constitution, &c.—Mr. Taylor's motion to amend the bill by imposing a restriction on slavery being under consideration—

Mr. TAYLOR, of New York, spoke in support of his motion.

Mr. HOLMES of Massachusetts followed, and spoke sometime, against the right of Congress to impose the restriction. Before Mr. H. had concluded he gave way for a motion for the committee to rise; and the committee rose, obtained leave to sit again; and the House adjourned.

JANUARY 28.

The Speaker laid before the House a letter from the Secretary of War, transmitting, agreeably to law, a statement of the names and compensation of the Clerks employed in the War Department.

Mr. REEA from the committee on Pensions and Revolutionary Claims, made an unfavorable report on the petition of H. Bedinger, which was read, and ordered to lie on the table.

Mr. ANDERSON, from the committee on the Public Lands, reported a bill to designate the boundaries of districts, and establish land offices, for the disposal of public lands not heretofore offered for sale, in the states of Indiana and Alabama; which was twice read and committed.

Mr. WILLIAMS, of N. C. from the committee of Claims, made unfavorable reports on the petitions of Phineas Andrews, Thaddeus Mayhew, William Eadus, and Whitford Gill, which were all ordered to lie on the table, except on that of Th. Mayhew, which was, on motion of Mr. BUTLER, of Lou. committed to a committee of the whole House, and ordered to be printed.

Mr. W. from the same committee, reported a bill for the relief of Joseph M. Skinner, administrator of George Skinner, deceased, which was twice read and committed.

The bills and resolution which yesterday passed

the Senate, were received, twice read, and severally referred; and several bills heretofore received from the Senate, and referred, were reported to the House, and committed.

On motion of Mr. WALKER, of N. C. it was

Resolved, That the committee on Military Affairs, be instructed to enquire into the expediency of providing by law for the allowance of bounty land to all soldiers who enlisted in the late war with Great Britain, and who procured substitutes, in proportion to the time of service performed by them and their substitutes respectively; and also all others who enlisted and remained in service during the war, and were regularly discharged, not already provided for by law.

On motion of Mr. PENDALL, it was

Resolved, That the Secretary of State be requested to lay before this House a list of the newspapers in which the laws, resolutions, and orders of Congress are published, and have been published during the sessions of the 14th and 15th Congresses, designating the state, district, or territory in which each newspaper was published, with an estimate of the expense of such publication.

On motion of Mr. CHAPIN, it was

Resolved, That the committee on the Post Office and Post Roads be instructed to enquire into the expediency of discontinuing the post road from Lynden to Wheelock, in the county of Caledonia, and state of Vermont, and to establish a post road from said Lynden, through Sutton, to Barton, in the county of Orleans.

On motion of Mr. M'Coy, it was

Resolved, That the committee on the Post Office and Post Roads be instructed to enquire into the expediency of establishing a post route from Bath Court House, in Va. by Anthony's creek and Frankford, to Lewisburg.

On motion of Mr. PHELPS, it was

Resolved, That the Secretary of the Treasury be instructed to inform this House when the accounts of the Post Office Department were last audited, and the amount of the balance, if any, then due; also a statement of the quarterly amount of receipts and expenditures of that department, from the first appointment of the present Postmaster-General, to the 1st day of December, 1819, inclusive.

Mr. BRUSH made an unsuccessful motion that the bill for the relief of Wm. King should be taken from the committee of the whole house and ordered to a third reading.

On motion of Mr. NELSON of Virginia, the report of the committee of Claims unfavorable to the petition of Joseph Wheaton, was referred to the Attorney General, for his opinion thereon.

MISSOURI BILL.

The House then again went into a committee on this subject, Mr. BALDWIN in the chair.

Mr. HOLMES, of Massachusetts, resumed the floor, and occupied about two hours in concluding the argument which he commenced yesterday, against the proposed restriction.

Mr. SMYTH, of Virginia, followed on the same side, but had not proceeded far in his argument, when he gave way for a motion for the committee to rise.

The committee rose accordingly, and obtained leave to sit again; and

The House adjourned to Monday.

MONDAY JAN. 31

The Speaker communicated to the House a letter from the Secretary of War, transmitting, in

obedience to a resolution of this House, a statement of the public expenditures in the military academy at West Point, the number and names of the cadets educated there from each state, &c. and an estimate of the sums necessary for the support of said institution for the next three years.

Mr. SERGEANT, from the committee on the Judiciary reported a bill to repeal the "act to lessen the compensation of marshals, clerks, and attorneys, in the cases therein mentioned," passed April 18, 1814.

Mr. SERGEANT, from the same committee, reported a joint resolution, authorizing astronomical observations to determine the longitude of the Capitol from Greenwich or some other European observatory.

The said bill and resolution were severally twice read and committed.

Mr. CAMPBELL, from the committee on private land claims, made unfavorable reports on the petitions of John Hampton, and of certain persons of New Madrid county, Missouri; which were severally read and concurred in.

Mr. C. also, from the same committee, made a report on the petition of John B. Regnier, accompanied by a bill for his relief; which was twice read and committed.

On motion of Mr. SILSBEE, it was,

Resolved, That the President of the United States be requested to lay before this House an account of the annual receipts of Hospital money, under the acts of July 16th, 1798, and March 24, 1799, up to the 26th February, 1811; and from that period an account of the annual receipts, under the first mentioned act, to the 30th Sept. 1819, distinguishing the districts within which collected; also an account of the annual expenditures of said Hospital money, the districts within which expended, the Hospitals erected, the places where, the regulations under which expenditures are made, the present state of the Marine Hospital fund, and how invested.

Resolved, That the Commissioners of Navy Hospitals be directed to lay before this House an account of the annual receipts of Hospital money, under the act of March 2d, 1799 from the 26th February 1811 to September 30th, 1819, together with an account of the annual expenditures of the same the districts within which expended, the hospitals erected, the places where, the present state of the Navy Hospital Fund, and how invested.

AMENDMENT OF THE CONSTITUTION.

Mr. BALDWIN, of Penn. offered the following resolution, which was twice read and committed to a committee of the whole House.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following amendment to the constitution of the United States be proposed to the legislatures of the several states; which, when ratified by the legislatures of three-fourths of the states, shall be valid to all intents and purposes, as part of the said constitution:—

That Congress shall make no law to erect or incorporate any Bank, or other monied institution, except within the District of Columbia, and every Bank, or other monied institution, which shall be established by the authority of Congress, shall, together with its branches, and offices of discount and deposit, be confined to the District of Columbia.

The committee on the post-office and post roads

were instructed to enquire into the expediency of establishing the following post routes:

The bill from the Senate, to provide for procuring, in future, accurate returns of the foreign commerce of the United States, was read the third time and passed.

The engrossed bill to alter the times of holding the courts of the western district of Virginia was read the third time, passed, and sent to the Senate for concurrence.

THE MISSOURI BILL.

The House then again resolved itself into a committee of the whole, Mr. Baldwin in the chair, on this bill—Mr. Taylor's motion to impose on the proposed state, a restriction respecting slavery, being still under consideration.

Mr. SMITH, of Virginia resumed the argument which he commenced on Friday, against the Restriction, and spoke until near 6 o'clock; when,

On motion of Mr. REID, the committee rose, obtained leave to sit again; and

The House adjourned.

TUESDAY, FEB. 1.

The Speaker laid before the House a report of the Secretary of the Treasury, on the subject of prohibiting the importation of cotton, woolen, and iron manufactures, and his opinion of the effect such prohibition will have on the revenue; made in obedience to a resolution of the House of the 4th ultimo.

The Speaker also laid before the House a letter from the Secretary of the Treasury, transmitting copies of the receipts and expenditures of the United States, for the year 1818.

These communications were ordered to lie on the table, and the first to be printed.

Mr. PINCKALL moved to amend the standing rules of the House, by adopting the following proposition:

"Stenographers who may be desirous to report the debates shall, previous to their admission to the tables within the House, swear that they will truly, and according to the best of their knowledge, without addition, diminution, or alteration, report the Debates, or so much thereof as they shall at any time publish; that, in every such report, they will, so far as is practicable, adhere as well to the language as to the purport or substance of the remarks made by the members, and that they will not importune any member for, or receive from any member, directly or indirectly, advice or any written note on memorandum, with intent therefrom to make any such report."

The proposition on the table one day of course.

MISSOURI BILL.

The House then again went into committee of the whole, Mr. Baldwin in the chair, on this bill—the proposed Restriction still under consideration.

Mr. REID, of Georgia, addressed the House in a speech of about half an hour, against the Restriction.

Mr. CLAGETT, of New Hampshire, followed, on the other side of the question, and spoke about an hour in favor of the Restriction.

Mr. DOWSE, of Massachusetts, succeeded, on the same side, and advocated the Restriction near half an hour.

Mr. REXFORD, of Virginia, next rose, and, after a few remarks from him, indicative of an intention to address the House on the question, he gave way for a motion for the committee to rise; when

The committee rose, obtained leave to sit again and—The House adjourned.

Abstract of the Debate on Additional Appropriations for the Support of the Navy for 1819.

THURSDAY, DECEMBER 20.

The House being in committee of the whole on general bills, one of which was a bill making additional appropriations for the support of the Navy for the year 1819—

Mr. SMITH, of Maryland (chairman of the Committee of Ways and Means,) explained the reason which rendered it necessary to provide, at this time for certain expenditures which had not been foreseen at the last session. He called for the reading of the letter of the Secretary of the Navy on the subject, which was ready by the Clerk of the House.

Mr. STUBBS, of New-York, said that he had observed, in the letter of the Secretary, an allusion to a warrant of transfer, drawn by the President, in August, which he also requested the Clerk to read from the documents. Mr. S. then said, that it appeared from this warrant, that, so late as August last, certain unexpended balances of former appropriations, particularly those for the repair of the frigate Chesapeake, and building ships of war on Lake Ontario of several years standing, had, under the direction of the President, been brought up, and a fund created out of them, which had been expended during the past year. The act of 1794 required, that all unexpended balances of appropriation remaining in the Treasury, should after two years, be carried to the surplus fund. He requested the chairman of the committee to explain by what construction of the law, relating to the President, the power had been conveyed in this case. He asked for information merely.

Mr. SMITH, of Maryland, pointed out the provision in an act of the 3d March 1809, applicable to the transfer of applications, which was ready by the Clerk in the following words:

"Provided, That, during the recess of Congress, the President of the United States may, and he is authorized, on the application of the Secretary of the proper Department, and not otherwise, to direct, if in his opinion necessary for the public service, that a portion of the moneys appropriated for a particular branch of expenditure in that Department, be applied to another branch of expenditure in the same Department; in which case, a special account of the moneys thus transferred, and of their application, shall be laid before Congress during the first week of the next ensuing session."

Some further conversation took place respecting the surplus fund; when

Mr. RANDOLPH, of Virginia, rose, and, after referring to the origin of the surplus fund; said that the provision of the law, which had just been read by the Clerk, struck him with some unpleasant recollections, which he could neither suppress nor conceal. It was now just twenty years, since he had first had the honor of a seat in this House. At that time, the persons of the political description to which he had conceived himself to belong, were contending against great abuses and misadministration generally, but particularly in the fiscal concerns of the state. By the exertions of that party, seconded, he presumed, by the good sense and patriotism of the people of this country, a great revolution was effected in the government. Among the first recommendations of the Chief Magistrate, who succeeded in consequence of it, was that of holding the officers of the government down to the strict administration of their duties. This, Mr. R.

said, was one of the cardinal principles on which the old Republican party came into power. He did not wish to revive party feeling by what he should say—far from it—that he was now speaking of was history. Mr. Jefferson—he hoped it was not out of order to name him—came into power, recommending, among other reformations of abuse, a strict adherence to appropriations. It was in the very last night of his political life about midnight, that that law, which had just been quoted, was put on the statute book. I did consider it at that time, said Mr. R. as a sort of death warrant to the principles upon which he came into power, so far as they were connected with that provision. And how came that law upon the statute book? At that time, he said, there were two great rivals for power and interest, one of whom might be considered the ascendant in the Senate, and the other not less so here. That law, Mr. Randolph suggested, was a sort of propitiation from one to the other—a compromise of differences between these two personages. I confess to you, said Mr. R. that the whole progress of this business, since the House resolved itself into a committee of the whole, has struck me, being long out of this House, with some astonishment. He was willing, he said, to give to the Navy all that the Navy requires—to appropriate the public money where public money was necessary; but he was not willing to transact the public business in this way.

Mr. SMITH, of Md. made a few observations on points on which he more fully enlarged on the following day.

Mr. Mercer, of Virginia, said, before the committee rose, he wished to suggest to the honorable chairman of the committee of ways and means, that he was desirous of obtaining information on another point than that which had been referred to. The act of the last session of Congress, for imposing additional restraints on that abominable kind of traffic which had so long disgraced the civilized world, had been hailed as an evidence of the intention of the government effectually to use its efforts to suppress it. He was obliged to believe, that nothing had been yet done towards this object. He did not wish that we should borrow from the humane feelings of the world the tribute of applause to our generosity, when the Treasury has been actually barred up against expenditure for the object held forth in the act of the last session.

Mr. SMITH, of Md. said, that at the time the law of last session passed, the public vessels were not in a condition to go on foreign service until they were repaired. It was the very act of repairing and fitting out these vessels, which made necessary the additional appropriations now asked for. He said he had, in private life, had much to do with repairs of vessels, and he had invariably found it impracticable to estimate accurately the expenditures until they had been made. This was at least equally true as to repairs of public vessels, &c.

Mr. FLOYD, of Va. rose to say, that, having been a member of the committee of the last Congress, whose investigations had led to the report of the bill, which became a law, for the more effectual suppression of the Slave Trade, the understanding of the committee was, that the money therein appropriated was intended to be applied to the purpose of transporting to Africa persons taken from slave ships, or illegally introduced into the country, and not to the purpose of fitting out the public vessels to be employed in the manner designated in that act.

Mr. LOWMELES, of South Carolina, made a few remarks on the subject of transfers from one head of appropriation to another. It would be obvious to the house, he said, on a little reflection that one of two things must be done: there must either be allowed to some authority of the country the power of transferring appropriations from one object to another, or, in respect to all objects depending on contingencies, on the fluctuation of the market, the appropriations must be made to an amount much larger than at the time of making them may appear necessary. Congress must, if no power be given to transfer appropriations, appropriate in all such cases, not what is necessary now, but what may be necessary in the greatest possible fluctuation of the market. To insist upon a *precise* estimate of the amount each branch of the public service may require for a year ensuing, is to insist upon a degree of accuracy not to be expected. If a strict adherence to the letter of appropriations was required, Congress would be under the necessity of leaving the amount of appropriations for specific objects larger than necessary, and of greater amount than ought to be placed at the discretion of the government. A proper jealousy on the part of this house, to prevent the diversion of public money from the objects for which it is appropriated, could not but be salutary; but some power of transferring appropriations is necessary—and, being necessary, it appeared to him the power was now as well lodged as might be. Therefore, though he had no objection to the committee's rising to investigate other objects which had been brought into view, he saw no reason for its rising in what had fallen from gentlemen respecting the transfers of appropriations.

On suggestion of Mr. STORMS, the 16th section of the act of March 3d, 1795, was read; which is in the following words:

"Sec. 16. *And be it further enacted*, That, in regard to any sum which shall have remained unexpended, upon any appropriation other than for the payment of interest on the funded debt; for the payment of interest upon, and reimbursement, according to contract, of any loan or loans made on account of the United States, for the purpose of the sinking fund; or for a purpose, in respect to which a longer duration is specially assigned by law, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account on the books of the Treasury, to be denominated "The surplus fund."

The committee now rose, reported progress, and had leave to sit again.

TELESTAT, JAN. 4

It was not until to-day, that the house resumed the consideration of this subject. When, having resolved itself into a committee of the whole,

Mr. BARTON, of Maryland, said, that the course which the discussion had taken on a former day, on the bill now under consideration, would make it necessary for him to travel back into our laws, and the proceedings under them, and would plead his apology for the time that he should be under the necessity of occupying. Enquiry, said he, was made, as to the manner of executing the act of 1795, and the proceedings of the executive officers under the act of 1803, and doubts seem to have been entertained that the first had been evaded, and the last executed on improper principles.

An act passed in 1795, commonly called the sinking fund, its object the gradual payment of the national debt, into which was gathered every item that could be spared. Among others it was enacted, "That any sum unexpended, of any appropriation, for more than two years after the date of the appropriation, should pass to an account to be called, 'The Surplus Fund,'" and thus form a part of the sinking fund. At that period there was no Navy Department. The Secretary of War was vested, by the act of 1789, with powers to superintend naval affairs. All moneys required for either the army or navy, however trifling, were drawn by warrants direct on the Treasury. This mode was found extremely inconvenient and troublesome to the departments. On the 30th of April, 1798, an act passed erecting the Navy Department, and on the 16th July, of the same year, a law passed, "That the Treasurer of the United States shall disburse all such money as shall have been ordered for the use of the army or navy." The Treasurer of the United States thus became the Treasurer, or Banker, of the War and Navy Departments. The Heads of each drew from the Treasury in large sums, and deposited them with their Treasurer, on whom they drew warrants as the wants of the departments required. Prior to the act of July, 1798, all unexpended balances in the Treasury were carried to the surplus fund; subsequent to that act, the money is drawn into the hands of the Treasurer, for the use of the army and navy. Although there have been unexpended balances, they have not been considered such as the law contemplated to be carried to the "Surplus Fund." And such has been the uniform practice under those several acts: all unexpended balances in the Treasury Department go, after two years, to the "Surplus Fund;" those in the hands of the Treasurer of the War and Navy Departments do not; they are applied as wanted for the public service.

During the administration of General Washington and Mr. Adams, a gross sum was applied, by the appropriation law, for the army and navy, to be disbursed on certain specific objects. The whole amount was considered as applicable to all or any of the specific items; so that, if there was too much allowed for one of the objects, the officers were authorized to apply the surplus to meet any deficiency that might arise in others. That mode was not approved by Mr. Jefferson.

I had always believed that a law had immediately passed to carry into execution those views. I can find no such law. There, however, is a difference in the caption of the appropriation laws, passed thereafter, which, with the recommendation of Mr. Jefferson operated so as that, ever after, the officers considered themselves bound not to exceed the amount appropriated to each specific object in the law. This new mode was beautiful in theory, but was attended with great inconvenience and public injury in practice. No estimate can provide for unforeseen occurrences. No man, when he undertakes repairs to a ship, can estimate what they will cost. The consequence was, that Congress had occasion to pass laws like the present, to provide for deficiencies. The President had under his particular care the expenditures on the Public Buildings, and with all his care exceeded the appropriation in four items of specification, to the amount of \$1,200,000, to remedy which excess of expenditure, Congress passed an act, dated 26th April, 1803. The inconveniences of this system were felt and became subjects of conversation. To

remedy them, Mr. Hillhouse did, on the 13th of February, 1809, introduce into the Senate a resolution, "That a committee be appointed to take into consideration the several acts relative to the Treasury, War, and Navy," and a committee composed of Mr. Giles, Mr. Hillhouse, and Mr. Crawford, were elected. Thus, then, the subject matter of the act of 1809 was introduced 2 days before it became a law. The act passed the Senate without opposition—it was sent to the House, and, on its first reading, a motion was made by Willis Alston, "to reject," (an extraordinary motion) and carried almost by acclamation. An appropriation for the army and navy was then on its passage in the House, to which was tacked some section for the regulation of the several departments; it went to the Senate, who were offended that subjects should be connected with any appropriation bill; they struck them out, and by way of amendment, inserted their own bill—the House negatived their amendment—the Senate insisted—the House insisted, and conferences were appointed: the result was, that the appropriation bill was separated, and the act of 1809 became the law of the land. The act had been in transit 20 days—had been the subject of conversation, out, whether the particular attention of the President had been called to its provisions or not, I am uninformd. That law enacts, that all warrants shall specify the item of specification to which the same shall be charged—that the War and Navy Department shall report to Congress distinct accounts of the application of each expenditure under its respective specification; that the President may, on the application of either Secretary, transfer the surplus of any one specification to meet the deficiency in any other—report to be made to Congress of all such transfers; that a statement of the moneys applied to the payment of the contingent expenses of the war and navy departments shall be laid before Congress at the beginning of each year.

An appropriation is required, of \$475,000, to pay the deficiencies in the navy expenditures for the year 1819. The appropriation for the navy for that year was signed on the 16th of February. The estimates had been made on the expenses that would be necessary under the existing laws. The deficiency has arisen from various causes. The Senate, being informed that the estimates for the naval service had not gone through the corrective of the Navy Commissioners, applied to them for information, and, in consequence, reduced the amount of some of the items, increased others, and, on the whole bill, made a reduction of \$400,000. On the 3d March, at the last hour, two bills passed; one to suppress piracy, the other to prevent the trade in slaves, and directed the President to employ the Navy of the United States in carrying into execution those highly important laws: but the framers supplied no means, made no appropriation, to enable the President to fit, arm and man the vessels intended for that service. There were, then, no means in his power, except those under the general appropriation bill of 16th February, and they have (as must have been foreseen) proved inadequate. In the merchant service, the rule is, "Break your owners rather than break your orders." This rule might be very dangerous in governments. The President obeyed the laws; no doubt, under a well-founded confidence that Congress would appropriate the money necessary to carry into effect their own acts. He might have declined, and have told us—you made no appropriations, and, therefore, I

have done nothing towards carrying into effect those two important laws. He has acted a more magnanimous part, and has assumed a responsibility. In obedience to the law, he put into commission the Constellation, Enterprise, three schooners and two gun-boats, and he has caused to be repaired and ready for service the Cyane: that vessel was taken from the British, was very rotten, and has cost nearly as much as a new vessel. He also has employed the Hornet (not contemplated in the estimate) in going to and from Spain, on the subject of the treaty. In addition to those expenses, he has caused the Columbus to be prepared for sea; he has prepared masts and spars, at the different navy yards, to be ready in case of accidents; he has sent stores for six months, and 2,000 barrels of provision, to the Mediterranean; and bills to an unusual amount have been drawn, by Com. Stewart and the Navy Agents, on our bankers in London, who are actually in advance for the Navy Department \$306,000, for which we are now paying interest—an advance that they never ought to be subject to, and which has arisen from the funds having been diverted to carry into effect the two laws alluded to.

Mr. STONKS said, that, having had the honor to ask of the chairman of the committee of ways and means the explanation which the honorable gentleman had furnished to the house, he was entitled to his thanks for the information which he had given of the construction which had been put on the law of 1809. Having recently had occasion to examine the mode in which the appropriation accounts were kept, he was surprised at the nature of this extraordinary interpretation of the power of transfer from one specific appropriation to another. He had determined to bring the subject into notice at the first opportunity, and the information had been asked that the House might be officially informed of the extent of the practice under the law of 1809, and that, after a full knowledge of the evasion of the law of 1795, the evil might be corrected. I am happy to find that the system which is now developed, neither originated nor was perfected under the present administration. It is not, therefore, with a view to censure it, that I have thus freely expressed my views.—From what source it may have sprung, from what hands it may have originated, or at what period it may have been introduced, is perhaps immaterial now to examine. Satisfied as the House must be, that a reform is imperiously necessary, I hope that, after the bill now before us shall have passed, our early attention will be directed to a salutary correction and revision of the system.

Mr. MARSH said, as the remarks of the honorable Chairman of the committee of ways and means had been evidently designed as a reply to the question which he had the honor of putting to him on a preceding day, it became him, Mr. M. said, to address, on his part, some explanatory observations to the committee.

It had been no part of his intention, Mr. M. said, to impute blame to the Executive for what had been done in relation to the slave trade but rather to complain of what had been totally neglected, or too long delayed—the execution of the act of the last Congress providing additional restraints upon that detestable traffic.

The act of the last Congress placed the whole Navy of the United States at the disposal of the President, for the purpose of capturing every

American vessel which might be found engaged in the African slave trade. It neither enlarged nor diminished the general appropriation to the maintenance of the Navy of the United States. The act passed as it did, with the support of a large majority of this House, and the almost unanimous voice of the Senate, certainly contained a recommendation to the President, to employ a part of the naval force of the country in the service pointed out by the act itself. But the President of the United States is, under the Constitution, and independent of our authority, Commander in Chief of the Navy as well as of the Army of the United States, and bound to employ both in the execution of the laws. We have long had a fleet in the Mediterranean; but where is the specific appropriation to the maintenance of that squadron? Any excess of expenditure, of the description of that which has given rise to this debate, is as properly chargeable upon the Mediterranean squadron, as on that destined, as he was happy to hear, for the coast of Africa.

If the general navy appropriations shall not suffice to defray the expense of both services; if these two objects shall ever become rivals in the Executive favor, it rests with the President, as Commander in Chief of the whole Navy, to chuse between them although I confess my total inability to perceive why those squadrons, intended for the northern coast of Africa should not scour the western shore of that continent, as well in their return home as in their outward voyage. The security of our commerce, and the honor of our Navy, cannot be more effectually promoted, than by the occasional display of its flag, in achieving the labor of humanity, required of it by the last Congress. It will evince to the world, in this employment, that our profession of abhorrence towards a traffic so long the disgrace of Europe and America, is not hypocritical—as cheap as it is insincere.

Mr. CHAY rose. He said he had entertained the hope that the gentleman from New-York, who had first spoken on this subject, would have moved that the committee should rise, for the purpose of having the papers, which had been laid on the table, ordered to be printed; for, unquestionably, they disclosed a state of fact very contrary to any he had supposed to exist, and which, in his judgment, demanded the interposition of the House.

The law of the land, he said, required, in regard to appropriations, that those which remained unexpended for two years, should be carried to the credit of the surplus fund, and thus be brought again within the power of the legislature. He was far from intimating, or thinking, that any serious abuse existed, except that of the statute, which certainly ought to be repealed or modified. He referred to another practice, at least equally worthy of reprehension—the exceeding of appropriations; the going beyond the expressed will of the legislature, as to the amount of expenditure. Had it occurred but in a single instance, he should not perhaps have taken notice of it, but there was a habit, arising under the government, of transcending the law, which called on Congress to protest against this abuse of power. The convention which framed the constitution, in order to guard against the abuses to which all history shews us that governments are prone, intended to put into the hands of Congress two securities—the one the power over the sword, the other over the purse of the nation. What has become of the first of these powers, said Mr. C. let the doctrines asserted on

this floor, at the last session, attest. Are we also to lose our rightful control over the public purse? It is daily wrested from us, under high-sounding terms, which are calculated to deceive us, in such manner as appears to call for approbation rather than censure of the practice. So extended was the practice he said, that there is scarcely an officer, from the youngest menial in the service of the government upwards, that does not take upon himself, to act upon his responsibility. Mr. C. said, he admired the assumption of responsibility within the constitution. That which exceeded all authority, which prostrated at will the laws of the land, he confessed did not suite his taste.

Mr. RANDOLPH said he rose to state this fact, and to request whatever censure gentlemen might choose to throw on the financial administration of the nation, he hoped they would except that period—a period in which the nation had made one of its most expensive acquisitions, by the purchase of Louisiana; and, if his memory did not much deceive him, the Secretary of War contrived, without any of this hocus pocus legerdemain of transferring appropriations, to take possession of the country without any extraordinary expenditure in the War Department. At that time, Mr. R. said, we maintained about three thousand men at an expense of about 300,000 dollars per annum. Compare the expenditures, at that time, with the expenditures on the same objects now; and, making every allowance for the advance in the price of the articles of subsistence, &c.—in other words, for the depreciation of our miserable paper money, a large amount might be carried to the credit of the administration of which he spoke.

Mr. LOWMEAD made a number of remarks on the subject of the practice of the government in regard to appropriations, &c. He also touched on the point of relative expenditures of the period of Mr. Jefferson's administration, and those of the present day, and denied that the contrast between them was such as had been represented.

Mr. TILMAGE of Ken. rose for the purpose of giving some explanations on a point which, if the house separated without explanation, might be misunderstood.

It had been said, in reference to the bill before the house, that the estimate ought to be made out somewhat more correctly than they appear to have been heretofore. At the commencement of the year, when the appropriation for the service of the navy for the current year was made, Congress had appropriated less, by 404,000 dollars, than the amount estimated by the departments. As the whole amount asked had been then appropriated, there would have been no deficiency. It was not very reasonable therefore, to complain so bitterly now of that deficiency. Mr. T. repeated that the only remedy for the real evil (the difficulty of making accurate estimates of the amount necessary to be appropriated) was to be found in a provision, by Congress, for having the estimates made up at a later period of the session than at present.

Mr. RANDOLPH made some remarks in reply to what had fallen from Mr. Lowmead, for whom he said great respect was a sentiment so general in the house, that it would be a supererogatory act to declare it. Having concluded his remarks in reply to Mr. L. and others, Mr. R. said that gentlemen entirely mistook him, if they supposed that, knight errant like, he had come riding here, to break a spear with powers and principalities. Nothing was further from his intention. But, he said there were

certain signs in the political horizon which he hailed with some degree of pleasure. He had some hopes that the term of twenty years is our political cycle; and that we are coming back to the good old times of responsibility and specification.

At this stage of the proceedings, the committee rose, reported progress, and obtained leave to sit again.

WEDNESDAY, DEC. 29.

The house being again in committee, on this subject, an amendment was moved by Mr. Storrs, in the following words:

"And be it enacted, That the sums appropriated by this act shall be solely applied to the objects for which they are respectively appropriated, and to no other, notwithstanding the authority vested in the President of the U. States by the first section of the act entitled 'An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Department, passed on the 3d day of March, 1819'."

This amendment was agreed to, 68 to 25.

Some remarks were then made *pro* and *con*, by Messrs. Randolph and Smith, respecting the origin of the law of March 3d 1809, which contains the provision for transfers of appropriations, and respecting the difference of opinion which existed in the Senate and House of Representatives concerning it.

The committee having rose and reported the bill to the house; with the amendment which had been introduced on the motion of Mr. Storrs; and the question being on agreeing to that amendment—

Mr. BURN, of Ohio, said he hoped the house would not concur in the amendment which had been made in committee. It is, said he, obviously unnecessary. The appropriation contemplated by the bill is for specific sums, to meet expenditures which have exceeded the appropriations for the last year. The excess became necessary in consequence of service required to be performed, and duties enjoined, by law, for which no adequate means were provided. The expenditures, which make this appropriation necessary, have been occasioned by that service, to which adequate means were not provided or furnished by the legislature, & the fault lies with them if there be any. The faith of the nation may be considered pledged to provide the ways and means for this expenditure. I am disposed to meet this duty and perform it, in the usual way, shall vote against the amendment.

Mr. STORRS, said that he was not very tenacious of retaining, in this particular bill, the amendment which had been adopted, on his suggestion, in the committee of the whole—especially, as, the opinion now appeared to be general, that some modification or restriction of the power of transferring appropriations was necessary and expedient. His object might perhaps be better attended by a general law applicable to all the departments.

Mr. BURN said, it was not his intention to impute to gentlemen, who supported this amendment, any design whatever, much less that which was supposed. The gentleman will not consider the faith of the nation pledged to make this appropriation. I believe it to be our duty. Take the case the gentleman has furnished, the Cumberland road. A law passes requiring such road to be established; appropriations are made to carry, on the work, persons appointed to superintend it laborers, employed to perform the service, will you arrest them

progress? Shall they, to make calculations upon the appropriations granted by the Legislature, to ascertain the fact whether they may not award them a few cents on a few dollars—leave a job half finished, and wait for another appropriation, which they know will be made, or ought to be, as the Legislature have directed the work to be performed, and the wishes of the nation thus accomplished? How often shall they make their calculations—every week, every day, and ever hour in the day? What precision in expenditures will gentlemen require—and how far carry the principle? The amount certainly can be no criterion. It is the object which fixes the discretion of the officer. If it is to accomplish the views of the Legislature, clearly and distinctly expressed, to execute a commission or perform duties required by law, the expenditure is lawful, and the nation is bound. Such is the case, which calls for this appropriation; and such the reason why it is asked. I hope the law will pass without the amendment.

Mr. FOOT, of Connecticut, concluded the debate. He hoped, he said, that the house would not in this way undertake to correct an evil, though they were convinced of its existence. He wished it to be taken up separately. It did not seem proper to him, on a bill making specific appropriations, to introduce a provision of this sort, which in effect would repeal, in part at least, the operation of a general law. He should not say, now, what course he should take when the question came regularly before the house; but it was certainly irregularly introduced into the present bill—and he therefore hoped the house would not concur in the amendment.

The question was then taken on concurring in the amendment of Mr. STORRS, as agreed to in the committee of the whole, and decided in the negative, 50 votes to 59.

No further amendment being proposed to the bill, it passed to its third reading.

PUBLIC DEFAULTERS.—The Treasurer of the State of Virginia has resigned his office, acknowledging, "that it had become his misfortune, during the late period of unparalleled commercial distress and pecuniary difficulty, to become involved by individuals then high in the confidence of the public, but who have since fallen a sacrifice to the unusual state of the times; in consequence of which, a deficit in the Public Treasury has occurred which he is unable to supply." He adds, "that if the sacrifice of his paternal estate, with that which he has acquired by a life of industry, can be any expiation for his fault, he will view the wreck with perfect composure."—The deficit is said to be upwards of \$100,000.

It is also stated, that a suit has been ordered against the Register of the Land Office for 10,000 dollars, being the amount of his bond, for malfeasance in office.

And a Clerk in the Farmers' Bank at Petersburg has gone off with 22,000 dollars belonging to that Institution. His bond, with good sureties, for 10,000 dollars, will lesses the deficiency by so much.

HARRISBURG, Jan. 27.—The bill abolishing imprisonment for debt, has been passed by the Senate, and wants nothing but the signature of the Governor to become a law.

PHILADELPHIA, Feb. 1.—The act abolishing imprisonment for debt, under certain conditions, has been signed by the Governor, and is now a law.—Union.

Dreadful Accident.—On Tuesday night the 25th inst, a poor man with his wife, who lived in a small temporary hut, Allegheny town went out to visit a neighbor a few rods distant.—On their return home about nine o'clock at night, the wretched father discovered his humble dwelling in which he had left his four children, in flames; he immediately ran to the house but arrived too late, three of his little ones were burnt to death, and the fourth so much injured as to die next day!

CHARLESTON Jan 27.—We have seen a specimen of White Marble, recently discovered in Sparteburg District, about five miles from Broad River. It is acknowledged to be very superior; and its grain is said to surpass that of the Italian Marble.

RUTLAND, (Vt.) Jan. 25.—We learn that the Supreme Court, now in session at Bennington, last week, after granting a new trial in the case of the Boorns, ordered a *noli prosequi* to be entered, and them again set free.

SHIPWRECKS.—Captain Hill, arrived in the sloop Patty, from Folly Landing, on Saturday last, informs us, that the schr. Lilly, of Philadelphia, of which he was commander, was wrecked on Sprout's Island beach, about 25 miles to the northward of Cape Charles, on the 30th of November last—crew saved.

He also informs us, that the bodies of three men were found drifted on shore the 14th inst, at Sprout's Island beach, from the wreck of the sloop Forrick or Fossick. The vessel had oysters on board, but was so much shattered that Capt. H. could not discover where she belonged. From some small articles drifted ashore, it appears, that a person by the name of James Grant must have been on board. The bodies of the three unfortunate men were interred on the beach by Captain Hill, and Capt. Carpenter, of the sloop Polly.

The Boston Palladium says—A Whale, about seventy feet in length, having got aground in Provincetown Harbor, was killed by the inhabitants on Saturday, January 22—another was discovered in the Harbor on Monday, and pursued by a number of boats, but he escaped.

Court of Sessions.—William Heyward, indicted for Highway Robbery, was, on Tuesday last, tried and found guilty. He was one of the gang that infested the neighborhood at the Six Mile House during the last Winter and Spring.—*Charleston Times.*

PROVIDENCE, R. I. Jan. 29.—Several of the butchers in our market, have for some time past occasionally missed paper money from their drawers in the stalls, which vanished quite unaccountably, and caused much warm blood amongst the frozen meat.—Yesterday one of them discovered a vacancy between the boards on his stall, and on further examination found a mice nest, which solved the mystery; the mice had pilfered the notes from the drawers in the day time, to make themselves warm nests in this inclement season; the fragments were found among other rubbish which composed the nests. It is calculated that 70 or 80 dollars in bank notes were appropriated to this purpose by this fraternity of light fingers.

THE BELVIDERE APOLLO.

A prize Poem by the Author of the popular Tragedy of "Fazio."

Heard ye the arrow hurtle in the sky?
 Heard ye the dragon monster's deathdull cry?
 In settled majesty of fierce disdain,
 Proud of his might, yet scornful of the slain,
 The heavenly Archer stands—no human birth,
 No perishable denizen of earth;
 Younger than morning, on his beardless face,
 A God in strength, with more than god-like grace;
 All as divine—as struggling muscled grow,
 Thro' heaving veins, no maddening life-blood flows;
 But associate with deity alone,
 In deathless glory, lives the breathing stone.
 Bright kindling with a conqueror's stern delight,
 His keen eye tracks the arrow's fat-far flight,
 Burns his indignant cheek with vengeful fire,
 And his up quivers with mounting ire;
 From fixed his tread, yet swift, as when on high,
 He waxes th' impalpable and pathless sky;
 The rich assurance of his hair confid'
 In golden ringlets, warms on the wind,
 That adverse port his mantle's drooping fold,
 Proud to display that form of fancied mould.
 Mighty Ephesian! with an eagle's flight
 Thy proud son, mounted thro' the field of light,
 View'd the bright concave of heaven's vast abode,
 And the celestial realm to life, a God;
 Contagious awe thro' brethren myriads ran,
 And common heart'd, hearken'd, when he said,
 For would he send'd as in his sun bowers,
 Wasting in careless ease the joyous hours;
 Haughty, as birds have sung, with princely sway
 Commanding the fierce flame-breathing steeds of day;
 Instant, as vision seen in haunted sleep,
 By holy maid on depths of haunted steep,
 'Told the thin twilight of the aureole glow,
 Too fair to worship, too divine to love,
 Yet on that form, in wild delirious trance,
 With more than reverence gaz'd the Maid of France.
 Day after day the love sick dreamer stood
 With him alone, nor thought it strange;
 To cherish grief, her last, her dearest care,
 Her one fond hope—in perils, or despair,
 Oft as the smiling light and night begu'd
 Banning sue shrunk, and thought the marble smil'd;
 Oft breathless as 'mid heard, or seem'd to hear,
 A voice of music move upon her ear,
 Sought she the wand'ring god, and conscious grown
 Could it not eyes, henceforth numb'd to stone,
 Yet move in death, a sickly strength supplied,
 Once more she gaz'd, then feebly smil'd and died.

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